

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

<b>CORPORAL TRINIDAD NAVARRO,</b>	:	
	:	
<b>Plaintiff,</b>	:	
	:	<b>C.A. No. 05-565 (GMS)</b>
<b>v.</b>	:	
	:	<b>JURY TRIAL DEMANDED</b>
<b>CHRISTOPHER A. COONS; and</b>	:	
<b>GUY H. SAPP</b>	:	
	:	
<b>Defendants.</b>	:	

**MOTION TO STRIKE APPEARANCES**

Plaintiff hereby moves to disqualify Megan Sanfrancesco and Judith Hildick as counsel for Defendants Christopher A. Coons and Guy H. Sapp, and in support thereof states as follows:

1. At the outset of this lawsuit, it was apparent that the New Castle County Law Department believed that they could not fairly and adequately provide dual representation to New Castle County ("NCC") as well as individual County Defendants, Christopher Coons ("Coons") and Guy Sapp ("Sapp").
2. The County thereupon engaged Jeffrey S. Goddess, Esquire as a private attorney for the representation of Coons and Sapp in their individual capacities.
3. Thereafter, NCC as well as Coons and Sapp moved for summary judgment.
4. On Tuesday, September 4, 2007, the Court granted NCC's Motion for Summary Judgment, thereby dismissing NCC from this case. However, the Court denied Coons and Sapp's Motion for Summary Judgment, thereby leaving Coons and Sapp, in their individual capacities, as the only Defendants in this case.

5. On Wednesday, September 5, 2007, NCC's attorneys, Megan Sanfrancesco ("Sanfrancesco") and Judith Hildick ("Hildick"), entered their appearances on behalf of Coons and Sapp in their individual capacities.

6. In a letter to the Court dated that same day, Ms. Hildick and Ms. Sanfrancesco stated they were entering their appearances on behalf of Coons and Sapp was because as "counsel for the County, [they had] done a large part of the preparation for the trial ... and it would be prejudicial to [Coons and Sapp] to deprive them of the trial preparation that [they had] conducted thus far."

7. Sanfrancesco and Hildick must not be permitted to represent Coons and Sapp in this lawsuit.

8. First, the Court's dismissal of the County on summary judgment is subject to appeal. Should such an appeal occur, Sanfrancesco and Hildick's representation of Coons and Sapp would raise the very same issues of dual representation that it faced when it initially retained Mr. Goddess to represent Coons and Sapp. Stated differently, if they could not fairly and adequately provide dual representation throughout the course of this case, they simply cannot provide fair and adequate dual representation at this time or in the future.

9. Moreover, as NCC still intends to participate in the mediation on September 10, 2007, their appearance at this point on behalf of Coons and Sapp is inappropriate.

10. Finally, Mr. Goddess has been actively engaged in representing Coons and Sapp from the very beginning of this matter. As such, Hildick's proffered reason for the entry of Sanfrancesco and Hildick's entry of appearances on behalf of Coons and Sapp is

without merit.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court strike the appearances of Megan Sanfrancesco and Judith Hildick as attorneys for Christopher Coons and Guy Sapp.

Respectfully submitted,

**MARTIN & WILSON, P.A.**

/S/ Jeffrey K. Martin

Jeffrey K. Martin, Esquire (#2407)  
Timothy J. Wilson, Esquire (#4323)  
1508 Pennsylvania Avenue  
Wilmington, Delaware 19806  
(302) 777-4681 Telephone  
(302) 777-5803 Facsimile  
[jmartin@martinandwilson.com](mailto:jmartin@martinandwilson.com)  
[twilson@martinandwilson.com](mailto:twilson@martinandwilson.com)  
*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I, Jeffrey K. Martin, do hereby certify that on September 6, 2007, I electronically filed the attached *Motion to Strike Appearances* with the Clerk of the Court using CM/ECF which will send notification of such filing to the following:

Jeffrey S. Goddess, Esquire  
Rosenthal, Monhait, Gross &  
Goddess, P.A.  
919 Market Street, Suite 1401  
Wilmington, DE 19899-1070  
*Attorneys for Defendants*  
*Stephen A. Coons and Guy H. Sapp*

Michele D. Allen, Esquire  
Judith A. Hidlick, Esquire  
Megan Sanfrancesco, Esquire  
New Castle County Law Department  
87 Reads Way  
New Castle, DE 19707  
*Attorneys for Defendant*  
*New Castle County*

/S/ Jeffrey K. Martin  
Jeffrey K. Martin, Esquire (DE #2407)